

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MARVIN YOUNG,

Petitioner,

vs.

WHEELLOCK, and STATE OF NEBRASKA,

Respondents.

**8:24CV79**

**MEMORANDUM AND ORDER**

On May 24, 2024, Petitioner Marvin Young filed his Second Amended Petition for Writ of Habeas Corpus ("Second Amended Petition"). [Filing No. 12](#). On May 29, 2024, the Clerk of Court advised Petitioner that his Second Amended Petition was unsigned and therefore deficient. The Clerk of Court directed Petitioner to "correct the deficiency" (i.e., file a signed Second Amended Petition) within 14 days, or the pleading "may be stricken from the record of this case." [Filing No. 13](#) (text notice of deficiency). Petitioner has failed to follow the Clerk of Court's directions.

Because Petitioner has not signed the Second Amended Petition under penalty of perjury, his petition is deficient and the Court will not act upon it. See, e.g. [28 U.S.C. § 2242](#) and Rule 2(c)(5) of the *Rules Governing Section 2254 Cases in the United States District Courts*.

IT IS THEREFORE ORDERED that:

1. The pending Second Amended Petition is deemed insufficient and the Court will not act upon it.
2. Petitioner shall correct the above-listed technical defect on or before **September 16, 2024**. To be clear, Petitioner must sign his Second Amended Petition

under the penalty of perjury on the space provided on the signature page of his Second Amended Petition, [Filing No. 12 at 25](#). Failure to comply with this Memorandum and Order will result in dismissal of this matter without prejudice and without further notice.

3. The Clerk of Court is directed to send to Petitioner a copy of the signature page of his Second Amended Petition, [Filing No. 12 at 25](#).

4. The Clerk of Court is directed to set a pro se case management deadline in this matter with the following text: **September 16, 2024**: deadline to submit signed Second Amended Petition.

5. No further review of this case shall take place until Petitioner complies with this Memorandum and Order.

Dated this 15th day of August, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon  
Senior United States District Judge